FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.2873 of 2005.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	: Court or Judge's Order.

Ashok T. Gade i/b. V.A. Gangal,
for the Petitioner.
Nayna Thatte on behalf of S.M. Oak,
for Respondents.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:17TH NOVEMBER, 2006.

P.C.:-

1. Heard.

2. Both the Courts below have arrived at concurrent finding on the point that the respondent is a tenant of the petitioner and the petitioner has failed to establish that the respondent is a licensee. Undisputedly, the petitioner had admitted that the originally the respondent was tenant and his tenancy thereafter was surrendered. However, apart from oral claim in that regard, no proof is adduced. Even as

regards the status of the respondent as licensee as claimed by the petitioner, no evidence in that regard was produced except some oral testimony which did not disclose that the respondents have been using the premises as the licensees. Apparently, therefore, there finds no fault in concurrent finding of the both Courts below in that regard. Apparently, question of interference in exercise of the Writ jurisdiction under Article 227 of the Constitution does not arise at all. The Petition is, therefore, rejected.

[R.M.S.KHANDEPARKAR,J.]